UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,396	08/01/2000	Christos Kyrtsos	60,130-620	5651

26096	7590	05/04/2004

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

EXAMINER
REDMAN, JERRY E

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

MAILED

MAY 3 - 2004

GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 22

Application Number: 09/628,396
Filing Date: August 01, 2000
Appellant(s): KYRTSOS, CHRISTOS

Mr. David Wisz
<u>For Appellant</u>

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to "REMAND TO THE EXAMINER" dated 3/30/2004.

BEST AVAILABLE COPY

REAL PARTY IN INTEREST

A statement identifying the real party in interest is correct.

RELATED APPEALS AND INTERFERENCES

The brief stating that there are no related appeals and/or interferences in connection with application Serial No. 09/628,396 is correct.

STATUS OF THE SPECIFICATION

The original specification is the only working specification.

STATUS OF THE CLAIMS

The statement of the status of the claims contained in the brief is incorrect. As stated below, the 35 U.S.C. 112 2nd paragraph rejection has been dropped.

STATUS OF AMENDMENTS

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

SUMMARY OF THE INVENTION

The summary of the invention contained in the brief is correct.

ISSUES

The appellant's statement of the issues in the brief is incorrect. As stated below, the 35 U.S.C. 112 2nd paragraph rejection has been dropped.

BEST AVAILABLE COPY

GROUPING OF CLAIMS

The grouping of the claims is incorrect. In part "C", the appellant fails to separately

argue the rejection of claims 18-20.

CLAIMS APPEALED

The copy of the appealed claims contained in the Appendix of the brief is correct.

PRIOR ART OF RECORD

Number	Name	Date
5,955,854	U.S. patent to Zhang et al.	September 21, 1999
4,894,952	U.S. patent to Trett et al.	January 23, 1990

NEW PRIOR ART

No new prior art has been applied in this Examiner's Answer.

GROUNDS OF REJECTION

Claims 1, 2, and 4-20 are rejected under 35 U.S.C. 102(e) as being clearly

anticipated by Zhang et al. Zhang et al disclose an object detection system (see

Figures 4, 5, 9a-9c, 10, 33, 34, 39, 44-46 and 48) and the method for detection for a

vehicle comprising an emitter having a pulse/ultrasonic signal mounted to a vehicle

window frame, a receiver mounted to a vehicle window frame, and a controller for

mapping a first "known" detection area and comparing the known detection area to a

BEST AVAILABLE COPY

second area in response to an "unknown object" (more specifically, column 13, lines 10-38).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al in view of Trett et al. All of the elements are discussed above except providing the emitter of Zhang et al to be an electromagnetic signal. Trett et al discloses a detection system comprising emitters having an electromagnetic signal. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the emitter of Zhang et al to send an electromagnetic signal as taught by Trett et al since an electromagnetic signal is a faster and more sensitive signal.

NEW GROUND OF REJECTION

There are no new grounds of rejection.

RESPONSE TO APPELLANT'S ARGUMENTS

In response to the appellant's arguments with respect to the 35 U.S.C. 112 2nd paragraph, the rejection has been dropped. The claim language and limitations in claims 1, 10, and 14 appears awkward when standing along. But when read in light of the specification, the language is acceptable.

With respect to the appellant's arguments under 35 U.S.C. 102(e), the appellant argues that Zhang only detects an increase in a reflected signal and this is not considered "mapping". The Examiner disagrees since a reflected signal has a limited defined field and has a graphical shape (the field which defines the signal). Furthermore, the applicant states that Zhang et al. only looks for an obstruction. This is true BUT by looking for an obstruction a second graphical shape is now defined because of the obstruction or "unknown" object and a variation is then detected by

BEST AVAILABLE COPY

comparing the second graphical shape to that of the first graphical shape, thus providing a variation between the two graphical shapes. More specifically, Figures 4, 5, 9a-9c, 10, 33, 34, 39, 44-46, and 48 shows and discloses control device having varies forms of "signal mapping", the area in which is mapped, and how the window operates according to the control device as claimed by the applicant's invention. Furthermore, Figure 10 of Zhang discloses a first signal, a second signal at time "t", and comparing the two signal values related to the length and detection pulse produced by the signals.
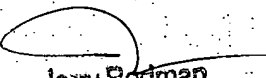
The appellants arguments with respect to Zhang et al. "overriding concern for reflection from clouds, the sun and other sources which would provide a false increase in the reflected signal" is not readily understood by the Examiner and appears more limiting than that of the claims since the applicant is only claiming the comparison of "two geographical shapes" and Zhang et al. disclose these limitations.

CONCLUSION

For the above reasons, it is believed that the rejections should be sustained. An appeals conference was performed on this application.

Respectfully submitted,

Jerry Redman

Jerry Redman
Primary Examiner

Conferees:

Mr. Dan Stodola DPS

Mr. Curtis Cohen DPS for CC